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New York

President: Mr. Eliasson ..... (Sweden)

The meeting was called to order at 10.10 a.m.

Agenda item 75

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/60/63 and Add.1 and Add.2 and A/60/91)

Report of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its sixth meeting (A/60/99)

Draft resolution (A/60/L.22)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/60/189)

Draft resolution (A/60/L.23)

The President: I give the floor to the representative of Brazil to introduce draft resolution A/60/L.22.

Mr. Sardenberg (Brazil): Once again this year, under sub-item (a) of agenda item 75, Brazil has had the honour to coordinate informal consultations on oceans and the law of the sea. On behalf of its sponsors, I have the pleasure today to introduce draft resolution A/60/L.22, entitled "Oceans and the law of the sea".

I wish to inform members that since the publication of the draft resolution, the following countries have also become sponsors: Australia, Greece, Italy, Jamaica, Madagascar, Micronesia, the Russian Federation and Tonga.

The draft resolution is the result of constructive and creative discussions. I would like to thank Mr. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their highly professional assistance, which, as usual, contributed decisively to the success of our work. I also take this opportunity to express our appreciation to Ms. Holly Koehler of the delegation of the United States for coordinating the draft resolution on fisheries.

The draft resolution and today's debate are expressions of the commitment of the United Nations to this multidisciplinary and complex item on the agenda of the General Assembly, under which the international community has been making efforts in the areas of cooperation and the integration of activities and regulatory measures required by the landmark United Nations Convention on the Law of the Sea. The pre-eminent role of the Convention is clearly recognized by the draft resolution, which refers to it as

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the legal framework within which all activities in the oceans and seas must be carried out.

The draft resolution emphasizes the role of the Convention in the maintenance and strengthening of international peace and security, as well as in the sustainable development of the uses of, and activities in, the oceans and seas. It also reflects the importance of capacity-building for developing States so that they can implement the Convention, fulfil their obligations, benefit from ocean resources and participate in all forums and processes dealing with issues related to oceans and the law of the sea.

Among other important achievements reflected in the draft resolution, I would like to underline, first, the launching of the start-up phase of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, as agreed in the Plan of Implementation of the World Summit on Sustainable Development; secondly, the review and renewal of the mandate of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, with recommendations that its discussions at its next meeting be focused on the topic "Ecosystem approaches and oceans"; thirdly, the agreement reached on participation in the Ad Hoc Open-ended Informal Working Group on marine biodiversity in areas beyond national jurisdiction.

I now wish to make a few remarks on behalf of the delegation of Brazil.

Brazil has a coastline 7,500 kilometres long. Its continental shelf beyond 200 nautical miles, which is currently under examination by the Commission on the Limits of the Continental Shelf, is estimated to be 953,525 square kilometres. More than 90 per cent of Brazil's trade occurs through the seas. Such characteristics have always underscored our commitment to the United Nations Convention on the Law of the Sea, which is increasingly known as the constitution of the oceans, as well as to efforts to put its provisions into practice — provisions that are already becoming part of customary law.

It has been 23 years since the adoption of the Convention and 11 years since its entry to force. Following the adoption of the 1994 Agreement relating to the Implementation of Part XI of the Convention and the 1995 Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, we have justifiably high expectations as to active participation in the discussions of the Ad Hoc Open-ended Informal Working Group on marine biodiversity beyond national jurisdiction. That seems to us the most important step that the international community has taken in this area in the last 10 years.

In our view, it is essential that the international community engage in discussions on marine biodiversity and marine scientific research, in accordance with the Convention, in order to better understand and manage ocean resources and activities. Under the Convention, activities in the Area are to be carried out for the benefit of mankind as a whole, taking into particular consideration the interests and needs of developing States. Biological resources in the Area cannot be depleted or appropriated, but must be used for the benefit of present generations and preserved for future generations.

Brazil welcomes the commitment to launch the start-up phase of the regular process recommended by the Johannesburg Plan of Implementation. We expect that its work will be fruitful and that States will bear in mind the need for integration and coordination efforts aimed at the conservation of the oceans. We recognize the importance of the Informal Consultative Process in facilitating this General Assembly debate by making possible a better understanding of the broad, complex and multifaceted issues related to oceans.

We are, however, very concerned about the topic to be focused upon next year, given that the international community has been unable to agree in other multilateral forums on any definition of an ecosystem approach. The next one-week meeting of the Informal Consultative Process must be organized in a very objective way so as to allow adequate time for the discussion of other important issues to be considered in the Secretary-General's annual comprehensive report on oceans and the law of the sea.

The draft resolution on sustainable fisheries is inspired by our common goal of establishing appropriate conservation and management measures to make fisheries a sustainable activity. But our challenge is to implement such measures and to encourage States to comply with them in order to stop the depletion of fish stocks and the destruction of marine biodiversity.

Brazil attributes the problem of excess fishing capacity not only to the illegal, unreported and

unregulated fisheries, but also to the oversized fishery fleets of some developed States. That should not jeopardize the efforts of developing States to engage in sustainable fishery activities, including by renovating their fishery fleets.

As we highlight the achievements and the current challenges related to ocean issues, let us take this opportunity to rededicate our countries and the international community as a whole to the task and vision that we set ourselves in 1982, the year that the Convention was concluded.

The President: I now give the floor to the representative of the United States of America to introduce draft resolution A/60/L.23.

Mr. Bolton (United States of America): My delegation has the honour to co-sponsor draft resolution A/60/L.22, entitled "Oceans and the law of the sea". We also have the honour to introduce, on behalf of our fellow sponsors, draft resolution A/60/L.23, on sustainable fisheries. I would like to announce that the following delegations have agreed to be additional sponsors of draft resolution A/60/L.23: Australia, France, Greece, Madagascar, Micronesia, the Russian Federation and Tonga.

The United States is very pleased with these draft resolutions. We believe that they will contribute significantly to the efforts of the international community to deal with pressing challenges in the field of oceans and fisheries.

A key element of the fisheries negotiations again this year is the protection of certain sensitive underwater features and vulnerable marine ecosystems from the impacts of fishing activities. We view the enhanced language in the draft resolution as underscoring the importance to the international community of addressing this issue and safeguarding the biodiversity of these fragile and rare marine ecosystems.

In particular, the draft resolution continues to call upon States and regional fisheries management organizations to urgently take action to regulate bottom fisheries and the impacts of destructive fishing practices through the adoption of appropriate conservation and management measures. The draft resolution also strengthens provisions calling for a report on this issue for consideration by the General Assembly next year.

The United States is encouraged by recent progress made by both States and regional fisheries management organizations in addressing the impacts of fishing on vulnerable marine ecosystems. We will continue to work cooperatively with all States in international bodies engaged in regulating fisheries to give effect to those provisions.

This year's draft resolution on fisheries continues to lay the foundation for the review conference mandated by the 1995 United Nations Fish Stocks Agreement. The review conference represents the best opportunity we have to strengthen the implementation of that vital Agreement with the goal of securing sustainable fisheries throughout the world. It is imperative that we seize that opportunity. The United States strongly supports increasing membership in the Agreement and hopes that all States that have not yet done so will consider becoming parties to it in advance of the review conference next May.

We also support the calls in this year's draft resolution on fisheries for renewed efforts to achieve sustainable aquaculture, to combat illegal, unreported and unregulated fishing and to address fishing overcapacity and harmful subsidies.

In addition, the United States is pleased that the fisheries draft resolution more explicitly addresses the critical issue of marine debris and derelict fishing gear, which adversely affect marine living resources and their habitats. We view as an important step forward the calls for specific action to prevent the decline of sea turtles and seabird populations by reducing bycatch. We applaud the language of the draft resolution dealing with the conservation of sharks, and we look forward to continuing to work with all interested States in implementing the Food and Agriculture Organization of the United Nations (FAO) international plans of action for sharks and seabirds, as well as the recent FAO guidelines on sea turtles.

Turning to the draft resolution on oceans and the law of the sea, we are pleased with the progress made this year on an array of diverse issues. The February ad hoc informal open-ended meeting on marine biodiversity beyond national jurisdictions will be an opportunity for the international community to discuss some complex issues. We look forward to a productive exchange of information and ideas.

We are pleased with the decision, provided for in this year's draft resolution, to renew the mandate of the

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The annual meetings of the Consultative Process have proved to be helpful in expanding the international community's knowledge and awareness of emerging issues affecting the world's oceans. Our decision to focus on ecosystem approaches and oceans at next year's meeting will, we believe, continue in that helpful mode. We thank our Canadian colleagues for suggesting that topic.

This year's draft resolution recognizes that the work of the Commission on the Limits of the Continental Shelf will become increasingly significant as more States initiate the process of establishing the boundaries of their continental shelves. We look forward to further clarity with respect to information offered for the Commission's consideration.

Among all of the positive outcomes of this year's draft resolution, however, there is one regarding which we feel compelled to note a concern for possible future trends. In our view, this draft resolution is not the best or most appropriate vehicle for the complex issue of the trans-shipment of radioactive materials. Although we recognize the importance that many delegations, particularly those from small island developing States, attach to this issue, it is such a technical and difficult one that, to be given fair consideration, it must be raised in organizations better equipped to do so. Those organizations are the International Atomic Energy Agency and the International Maritime Organization. We would encourage all Member States particularly interested in the issue to join those organizations.

The United States would like to thank all delegations that worked with good will and cooperation to achieve the balanced and constructive texts of both these draft resolutions. We particularly appreciate the assistance given to my colleague Holly Koehler, the member of the United States delegation who this year coordinated the negotiations on the draft resolution on fisheries. We also appreciate very much the efforts of Commander Marcos de Almeida of Brazil, who very skilfully coordinated the negotiations this year on the draft resolution on oceans.

Mr. Bradshaw (United Kingdom): I have the honour to speak on behalf of the European Union and the European Community as a party to the Convention on the Law of the Sea. The following countries have aligned themselves with this statement: the acceding countries Bulgaria and Romania, the candidate country Croatia, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, as well as other aligning countries, Moldova and Ukraine.

The European Union attaches great importance to the international community's development of a coherent, integrated and equitable approach to the sustainable management and conservation of oceans and their resources, both in areas under the responsibility of coastal States and beyond the limits of national jurisdiction. The European Union's determination to play its part is demonstrated by its recent publication of its Thematic Strategy on the Protection and Conservation of the Marine Environment — the Marine Strategy — together with the proposal for its legislative underpinning.

That must be seen in the wider context of an all-embracing maritime policy for the European Union, on which the European Commission will publish a consultation document in the first half of 2006. The European Union looks forward to discussing that document with both the Members of the United Nations and relevant organizations of the United Nations.

The European Union attaches the highest priority to improving oceans and fisheries governance, including in areas beyond national jurisdiction. We see that as a key theme in the very substantive work of the General Assembly towards a comprehensive set of recommendations and commitments in this year's oceans and fisheries draft resolutions. They provide an excellent account of the many issues that need urgent attention from the international community.

Among them, two governance issues straddle the two draft resolutions, to which the European Union attaches particular importance: combating illegal, unregulated and unreported (IUU) fishing, and addressing the conservation of vulnerable marine ecosystems. IUU fishing is a fundamental threat to sustainable fisheries and ocean ecosystems. It also represents a major loss of revenue to States, notably developing countries. Significant progress in addressing the problem is being made in certain areas, particularly in southern oceans. That demonstrates that combating IUU fishing effectively is indeed possible if parties act decisively on their commitments. However, much remains to be done.

We welcome the important work being developed by the Food and Agriculture Organization and the Task Force on High-Seas Fishing. We also look forward to continuing our efforts, in cooperation with our counterparts, to reinforce control schemes within regional fisheries management organizations. In that regard, the European Union places particular emphasis on the need of major markets for fish and fish products to take measures to eliminate the commerce on which IUU fishing fleets rely. It is also necessary to continue and enhance assistance to developing States to develop control and management capacities that will allow them to contribute to this global effort. There must also be a firm commitment by all parties to reinforce controls at port and to effectively regulate trans-shipment at sea.

Most importantly, we need to address the crucial issue of the genuine link between States and their flagged vessels — an issue that is much broader than IUU fishing alone. The key in that regard is that flag States must exercise effective control over ships flying their flags, taking all necessary measures to establish effective maritime administrations to ensure compliance. In that connection, the European Union looks forward to the introduction later this year, at the International Maritime Organization, of the Member State Audit Scheme.

With regard to the protection of vulnerable marine ecosystems, the European Union would like to draw the Assembly's attention to two key processes set out in these draft resolutions. The first concerns addressing the impacts of fishing. We believe that every effort must be made to ensure a successful outcome of the two-year process foreseen in paragraph 71 of resolution 59/25, as confirmed this year. States must be ready to take full account of the outcome of that exercise, with a view to a frank discussion at the sixty-first session of the General Assembly.

The second key process is next February's meeting of the United Nations Ad Hoc Open-ended Working Group on marine biodiversity in areas beyond national jurisdiction. We see the meeting as an opportunity to engage with all key stakeholders about the way forward. We recognize that, as well as tackling immediate sectoral threats, the international community may need to take additional integrated measures, including establishing marine protected areas. In that context, the European Union has already expressed its support in principle for the elaboration of an implementation agreement consistent with the United Nations Convention on the Law of the Sea. We also recognize the need to address the issue of genetic resources.

To ensure progress, the review of the state of play that will be undertaken by the meeting in February must be rigorous. Again, States must be ready to take full account of the outcome of the meeting, with a view to frank discussion at the sixty-first session of the General Assembly. It is imperative that the General Assembly be able at that time to effectively address the protection of biodiversity in areas beyond national jurisdiction, as well as any shortcomings in the international fisheries management regime that might be identified in that context. The European Union hereby declares its commitment to contribute actively to the attainment of those objectives.

The European Union (EU) would like to stress the importance of the principle of freedom of navigation, including the rights of innocent passage and transit passage through straits used for international navigation. In addition, port States should exercise their right with regard to access to their ports in a manner that is non-discriminatory and consistent with the United Nations Convention on the Law of the Sea and international law.

On the issue of security and safety at sea, the European Union would like to highlight the adoption, on 14 October 2005, of the two protocols amending the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The European Union considers that the 2005 protocols add important provisions to the existing instruments, enhancing efforts against terrorism, and recommends their early ratification. The EU also urges States to take appropriate measures to ensure their effective implementation.

The European Union fully supports the renewal of the mandate of the United Nation's Informal Consultative Process on Oceans and the Law of the Sea (ICP). The Consultative Process has contributed positively, inter alia, and by facilitating the annual review of the Secretary-General's report on oceans and the law of the sea. At the same time, we recognize that some improvement in the workings and contents of the Consultative Process need to be made. We look

forward to the early appointment of the two co-chairpersons for the next meeting of the Consultative Process, so that they can begin effective preparations in conjunction with States and relevant bodies.

In that connection, we would note, however, that the European Union attaches great importance to resolving the discrepancy that currently exists between the observer status of the European Community and its competencies — whether exclusive or mixed — with respect to many issues that have been discussed in previous ICP meetings. The European Community is a contracting party to the United Nations Convention on the Law of the Sea and the United Nations 1995 Fish Stocks Agreement in its own right, and has thus accepted legal obligations with respect to oceans and law of the sea that are particularly relevant to the Consultative Process. Although no solution could be found this year, we welcome the commitment of delegations to continue negotiations bilaterally with a view to resolving the problem in the near future.

The European Union welcomes the decision to launch the first regular phase of the Global Marine Assessment (GMA). We see the Assessment as an important vehicle for improved cooperation between the agencies of the United Nations and other bodies, as well as a firm basis for improved oceans policy-making.

In conclusion, we would like to express our appreciation for the annual report on oceans and the law of the sea provided by the Secretariat. It is an invaluable compilation of recent developments. Let me reiterate on behalf of the European Union that we consider the General Assembly to be the appropriate place to discuss the report.

Mr. Neil (Jamaica): I have the honour today to speak on behalf of the member States of the Caribbean Community (CARICOM). We thank the Secretary-General for his report (*A/60/63*), which, as usual, provides a comprehensive overview of recent and ongoing activities relating to oceans and the law of the sea.

We also take the opportunity to commend the Division for Ocean Affairs and the Law of the Sea, as well as its partners, such as the United Nations Institute for Training and Research (UNITAR), for continuing to provide guidance and support to Member States in implementing the provisions of the United Nations Convention on the Law of the Sea. We look forward with interest to the Division's plans to take a more proactive approach in assisting States to face the challenges of implementing the Convention and of deriving its benefits.

CARICOM member States welcome the opportunity to reaffirm the integrity of the Convention as the overall legal framework governing ocean activities. We are encouraged by the progress made towards universal adherence to the Convention, and we are pleased to see that, since our last debate, the number of ratifications has increased, raising the number of States parties to 148. We are pleased that, at the meeting of the States parties in June of this year, the Secretary-General for the first time presented a report in accordance with article 319 of the Convention.

Over the past year the three institutions created by the Convention covered new ground in carrying out their mandates. The International Seabed Authority continued to make progress in developing the framework for cooperation in the area of seabed resources. It is moving closer to realizing the goal of elaborating regulations for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts in the international seabed area and for the conservation of biodiversity in the seabed. As that process evolves, it is important that States parties remain actively engaged by ensuring their full participation through attendance at sessions of the Authority.

We also commend the Authority for its continuing role in providing training through annual workshops on the scientific and technical aspects of seabed mining and also on the critical area of protection and preservation of the marine environment.

We have also seen progress and increased activity in the work of the Commission on the Limits of the Continental Shelf, which is now considering several new submissions, with a number of additional ones forthcoming in the near future. We also wish to make special mention of the trust funds for assisting with submissions and for participation and support. We call for additional resources to be made available to facilitate the fullest participation in the work of the Commission.

The International Tribunal for the Law of the Sea has established a reputation for addressing, in a timely

and efficient manner, the submissions received from States for the settlement of disputes relating to various provisions of the Convention. The range of cases for which judgement is sought is also an indication of growing confidence in the Tribunal. We welcome the signing of the Headquarters Agreement between the Tribunal and the Government of Germany, providing stable arrangements for the functioning of the Tribunal.

Special emphasis has been given in the Secretary-General's report to the importance of marine scientific research, which was brought into painful and sharp relief by the Indian Ocean tsunami of December last year. The States of the Caribbean Community have also recognized the link between that often overlooked aspect of the Convention and the use of marine resources for sustainable development, the improvement of navigational safety and its contribution to the prevention of disasters, especially in the development of early warning systems.

The report also highlights many recent developments relating to the safety of navigation, the welfare of seafarers and the protection of the marine environment, as well as capacity-building activities. Those are matters of prime importance to CARICOM States from the standpoint of economic and social development and security interests.

The Caribbean Community places special importance on the Mauritius Strategy for Implementation, adopted at the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, held in January this year. Under the Mauritius Strategy, CARICOM States commit themselves to carrying out further implementation of the Programme of Action in areas such as integrated ocean and coastal management, maritime delimitation, the management of coral reefs and associated ecosystems, the development and implementation of waste-management strategies and the strengthening of sustainable and responsible fisheries management mechanisms. We reiterate the call in the Mauritius Strategy for the international community to provide the necessary support to enable small island developing countries to undertake their implementation activities effectively.

We are convinced of the need to strengthen marine scientific research in coastal States and are therefore pleased at the evident increase in interest in this area. In October this year, a Chinese research vessel made a visit to the region and to the headquarters of the International Seabed Authority as part of the vessel's first-ever round-the-world research mission, which began in April 2005. States of the Caribbean Community continue to make a contribution to global marine scientific research. However, we are developing countries and there is a need to ensure stable financial and technical support to our countries if such efforts are to be sustained.

The Caribbean Community has a special interest in the protection of the Caribbean Sea. Our Governments have long expressed concern about the transportation of hazardous materials through the Caribbean Sea, given the risk of serious damage to its fragile ecosystems and marine resources, which are vital to our existence. Of special concern is the transportation of nuclear waste materials, which we have consistently opposed. We continue to urge the parties concerned to refrain from the use of the Caribbean Sea as a transit route for such shipments.

At the broader level, we recognize the importance of continuing to work towards the further development and strengthening of international regulatory regimes for the transportation of hazardous materials by sea. In this respect, encouraging progress is being made in the implementation of the Action Plan for the Safety of Transport of Radioactive Material, which was approved by the Board of Governors of the International Atomic Energy Agency in March 2004. We urge the States concerned to continue their efforts in the implementation of all areas of the Action Plan.

The past year also saw a number of activities in the development and implementation of measures to strengthen maritime transport safety and security. States of the Caribbean Community commend the International Maritime Organization for its efforts, particularly those aimed at improving flag State control. We urge the organization and its member States to continue to elaborate regulations to improve safety standards for ships and to establish an effective compensation regime in the event of accidents.

We join with other States in expressing concern about the continued incidence of piracy, armed robbery and smuggling at sea and at the increasing level of violence associated with those activities. We urge all States to take seriously those threats to maritime safety and to continue to collaborate with all relevant

stakeholders, including the shipping industry, coastal communities and the international community, to properly address those concerns.

We also wish to emphasize the importance of ensuring cooperation in interdiction and other security measures to restrict illegal activities in the Caribbean Sea. That should not be confined to concerns about drug trafficking and weapons of mass destruction, but should also extend to the illicit traffic in small arms and light weapons, which constitute a serious danger to stability in the region. We would also urge that creative methods be found to assist CARICOM States in their interdiction efforts, particularly in the acquisition of equipment and vessels, in the light of the extreme difficulties of accessing concessional financing for such purposes.

The CARICOM States wish to express appreciation for the ongoing work of the Regional Seas Programme of the United Nations Environmental Programme, through the Caribbean Environment Programme, which continues to assist in coordinating the region's implementation of the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. We have taken steps to implement action plans and advance work in focus areas such as coral reef management, sustainable tourism and environmental education.

There is growing awareness in the region of the impact of land-based sources of marine pollution, which is estimated to be responsible for about 80 per cent of all pollution entering the oceans. The concept of marine protected areas is also gaining greater understanding and support, with several territories in the region having been designated such areas. The Secretary-General's report highlights the growing problem of marine debris and its link with land-based sources of pollution, as well as the issue of noise pollution. We will, of course, do everything in our power, subject to our resource constraints, to investigate and address those two issues, and we support the call on States in the draft resolution before us to integrate the issue of marine debris with waste management.

There is a need for stronger financial and technical support, as well as investment, on terms favourable to CARICOM States, so as to enable them to establish and improve port reception facilities in their territories.

The CARICOM Regional Fisheries Mechanism, which was recently formed, has already begun to make a positive contribution to the collaborative effort to improve capacity in fisheries management in the region. In this regard, we should mention that there is still a great deal of concern about the persistence of illegal and unregulated fishing in Caribbean waters, which is challenging the economic and social viability of our fisheries and undermining the effectiveness of conservation management. In some areas those activities are damaging the ecological systems of the Caribbean Sea.

While CARICOM States have demonstrated their commitment to the United Nations Convention on the Law of the Sea by ratifying it, their ability to effectively implement the provisions is constrained by inadequate resources. In this context, we are requesting that the International Hydrographic Organization intensify its efforts to build capacity in developing countries for the production of electronic nautical charts to provide data and information that can be used in fisheries activities and for other uses, such as the delimitation of maritime boundaries.

With so many delimitation negotiations of great complexity to be undertaken and completed in the region, broader regional cooperation is needed. In that connection, we welcome the Conference on Maritime Delimitation in the Caribbean, an initiative of the Government of Mexico. It is our hope that the States of our region will take advantage of that mechanism created to assist the region's coastal States in preparing for maritime delimitation negotiations in accordance with the provisions of the Convention.

Finally, CARICOM States express their appreciation to the various partners that have contributed technical and financial assistance to the States of the Community over the years. We emphasize the need for continued support for capacity-building in order to effectively implement the Convention and all associated programmes in the area of oceans and the law of the sea.

Ms. Takaku (Papua New Guinea): As Papua New Guinea is the current Chair of the Pacific Islands Forum, I have the honour to speak on behalf of Australia, Fiji, Kiribati, the Republic of the Marshall Islands, the Federated States of Micronesia, Nauru,

New Zealand, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and my own country, Papua New Guinea.

Issues concerning oceans, fisheries and the law of the sea are of great importance to Pacific Island Forum countries. Our history, societies, cultures and economies are heavily dependent on, and integrally linked to, the sea. Although we differ in certain respects, the members of the Pacific Island Forum share a strong and unifying collective interest in the ocean spaces that connect us. We have a common role as joint custodians of the sea and a common objective of realizing, over the long-term, the enormous value of its resources.

We are firmly committed to the proper conservation and management of the oceans. We are pleased to support the draft resolutions under consideration today.

Members of the Pacific Islands Forum launched the Pacific Islands Regional Ocean Framework for Integrated Strategic Action at the Mauritius International Meeting in January this year. We are pleased with that initiative and look forward to providing regular updates on implementation undertaken at the national level to achieve better, integrated oceans management in the Pacific Islands region.

In the context of integrated oceans management, Pacific Island Forum members welcome the renewal of the mandate of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The focus of the Informal Consultative Process on cross-cutting and practical oceans issues makes an invaluable contribution to the annual oceans debate.

We consider that the current broad participation in the Informal Consultative Process, including by non-governmental organizations and inter-governmental organizations, is important and ensures a rich and informed discussion. Civil society participation in United Nations discusstons on oceans and fisheries issues has brought new perspectives and challenges to the positions of States. We look forward to the productive and balanced continuation of that dialogue. We also look forward to ongoing improvements in the functioning of the Informal Consultative Process.

The annual debate and resolutions on oceans and law of the sea are important and must continue. We see them as part of the ongoing strengthening of oceans governance. We believe that the unique Pacific perspective must be incorporated into and reflected in that process. However, participation in the whole menu of United Nations negotiations and consultations presents a continuing challenge for smaller States. We are pleased that, in this year's draft resolution on oceans and the law of the sea, the General Assembly has addressed the problem of scheduling clashes in concrete terms. We also support limiting the time frame for consultations next year to four weeks. Pacific Islands Forum members encourage United Nations Member States to do their utmost to ensure that the time allocation is used efficiently and effectively.

We also note that the oceans and fisheries draft resolutions continue to grow in length. While it is good that lively discussion on those issues grows, the same does not apply to resolutions. Much impact is lost with added length. We encourage Members States to consider innovative ways to ensure that the draft resolutions remain concise and salient expressions of current oceans concerns.

We, the 14 members of the Pacific Islands Forum, support the establishment of the Ad Hoc Open-ended Informal Working Group on marine biodiversity beyond national jurisdiction, which will meet in February 2006. The whole range of issues falling within the mandate of the Working Group are of great importance to us. We hope that the meeting will help us to identify ways the international community can work together to improve the conservation and management of the ocean's biodiversity.

As we have said in the past, Pacific Islands Forum members come from a region that has a high concentration of vulnerable marine ecosystems, including coral reefs and underwater seamounts. We are well aware of the need to take urgent action to prevent, and manage the effects of, destructive fishing practices, including bottom trawling, which have an adverse impact on vulnerable marine ecosystems, and we firmly support such action. We are seriously concerned about the destruction caused by those activities. In the communiqué issued by the Pacific Islands Forum in October this year, Forum leaders noted the call for a moratorium on deep-sea bottom trawling and for the creation of a legal framework to manage that method of fishing in order to protect

biodiversity in the high seas. Forum leaders are seriously concerned about the problem and have agreed to develop an appropriate legal framework for consideration in 2006 and are giving thought to an appropriate legal framework within our region to address that concern.

Closely related to issues of governance of the high seas, Pacific Islands Forum members continue to view illegal, unreported and unregulated (IUU) fishing with concern. We regard it as one of the greatest threats to the future sustainability of our regional marine resources and environment. While significant effort is being expended in various forms to address the problems caused by IUU fishing, we believe that we must do more. Further study of the overall governance of the high seas is necessary if we are to move the issue forward. We continue to urge our partners to cooperate with us to achieve that end.

We welcome the review of the United Nations Fish Stocks Agreement. In particular, we encourage greater participation in, and the effective implementation of, the Agreement.

We note the important work of the Commission on the Limits of the Continental Shelf. This past year, the Division of Ocean Affairs and the Law of the Sea has undertaken valuable capacity-building efforts in the Pacific region connected with the Commission's work. We would like to take this opportunity to point out the continued challenges faced by small island developing States in the preparation of their submissions to the Commission.

Pacific Island Forum members welcome the focus given this year to the particular needs of small island developing States with regard to the use and development of fisheries within their jurisdiction.

Pacific Island Forum countries have shown leadership in the conservation and management of the world's rich ocean resources. We continue to look forward to working with others towards that common objective.

Finally, we thank the coordinators for the effective manner in which they conducted the negotiations, as well as all of the staff of the Division of Ocean Affairs and the Law of the Sea for their greatly valued support.

Mr. Navoti (Fiji): Fiji associates itself with the statement made by the representative of Papua New Guinea on behalf of the Pacific Islands Forum.

The future of our planet and our security depend upon an intimate understanding of ocean processes and their interaction. That has always been our belief in the Pacific, and it has ensured our continued existence in our aquatic continent since time immemorial.

We thank the Secretary-General for his reports issued regarding this agenda item and commend the staff of the Division of Ocean Affairs and the Law of the Sea (DOALOS) for their continued assistance in matters relating to oceans and the law of the sea. Fiji also acknowledges the contribution of other United Nations agencies and bodies, non-governmental organizations and interest groups, which have continued to contribute to ensure that our relationship with the sea and its resources remains one that offers perpetual mutual benefits to all humanity.

Mr. Sardenberg (Brazil), Vice-President, took the Chair.

Fiji, like others, recognizes the inter-dependability of fisheries and food security and their importance for the attainment of national economic and social goals and the well-being and livelihoods of fishing individuals and families. The rural fishery centres, established in recognition of that fact, are part of an ongoing development programme that aims to facilitate better market access for our local fishermen. The sale of ice and ongoing subsidy programmes to assist rural-based fishermen with one- to two-thirds funding assistance for boats and engines are two further initiatives to that end.

In order to conform with the universally accepted principle of sustainable fisheries management, the Fiji ministry responsible for fisheries has set itself four key targeted outcomes: the sustainable use of all fisheries products; the creation of livelihoods through small and micro-enterprise development; support for community livelihoods through competitive exports and efficient food security; and the promotion of equitable participation by all in priority areas of socio-economic development.

The Government of Fiji continues to consider as well spent the allocation of money or other resources to fisheries, particularly given that an investment of

$5.9 million in 2004 realized a return to the local economy of $347 million in the same year.

The acknowledgement by the Secretary-General in his report contained in document A/60/63 that the concept of the precautionary approach has received wide recognition and that the increased adoption of marine protected areas is an important tool for fishery conservation and management, indeed represents a welcome and encouraging development. We have been working with other organizations in the establishment of marine protected areas in Fiji. Earlier this month, the World Wide Fund for Nature (WWF) awarded Fiji the WWF Leadership Award, to commend our commitment to conservation and sustainable development.

Fiji also understands the importance of the interaction between fishing activities and ecosystems, particularly as concerns its long-term impact, including the adverse effects of removing numerous species from the marine environment. To that end and despite the fact that the export of tuna constitutes about 94 per cent of all export earnings of fish, Fiji has reduced the number of tuna fishing licenses issued annually from 103 in 2002 to 72 in 2005. Furthermore, we are now looking at the feasibility of declaring all of Fiji's archipelagic and territorial waters a reserve, of restricting the use of longliners and purse-seiners and of enhancing game fishing in the context of recreational fisheries as a viable option.

Coral reef ecosystems are invaluable human treasures. They support the most diverse marine communities and beautiful seascapes on the planet and provide wave-resistant structures and resources for local communities, fisheries and tourism. That is true for Fiji. It is disheartening to note that coral reefs are now under serious threat of collapse owing to over-fishing and the development of coastal zones, which includes dredging, landfills and terrestrial run-off, as well as climate change. Such activities act synergistically to stress coral reefs, leading to severe bleaching and extensive coral mortality.

Fiji notes the need for the mainstreaming of sustainable coral-reef management into national development strategies. We support the International Coral Reef Initiative and acknowledge the work carried out under the Jakarta Mandate on Marine and Coastal Biological Diversity. Local coral conservation initiatives carried out in Fiji and in other parts of the world by concerned and independent international organizations, such as the United Kingdom-sponsored Coral Cay Conservation Trust, to name but one, are also worthy of our recognition. We make these remarks knowing full well that coral reefs add economic value to our tourism industry.

Regulations relating to reserves, conservation, sustainable development, the reduction of fishing licences and so forth cannot be enforced without the cooperation and commitment of our near, as well as our distant, neighbours. This also requires a change in the attitude of unscrupulous businessmen, who think nothing of the damage sustained by the sea and focus solely on profit.

International cooperation is essential for the successful implementation of the United Nations Convention on the Law of the Sea (UNCLOS). Continued global, regional and subregional partnerships will improve our understanding of ocean processes and ensure that its resources are preserved for the enjoyment of our children. Fiji acknowledges the cooperative efforts of regional fisheries management organizations towards this partnership and encourages the sharing of scientific information between them for our general betterment. We would like to take this opportunity to acknowledge the valuable contribution of the Pacific Islands Forum fisheries agencies and other oceans and fisheries organizations in the Pacific for the advice they provide to Governments in our region on oceans and fisheries-related matters.

While many small island developing States have integrated the management of coastal and marine resources into broader ocean-management strategies since the entry into force of UNCLOS, the implementation of the Convention continues to be impeded by financial constraints and lack of capacity. Fiji has acknowledged, and will continue to acknowledge, all capacity-building initiatives and assistance rendered by Member States, United Nations bodies and agencies, international organizations, non-governmental organizations and others that focus on the sustainability and development of our national competencies.

Fiji is mindful of all its obligations under the Convention, in particular those relating to the limits of the continental shelf. The first regional workshop on the continental shelf — held in Fiji earlier this year and

organized by the Division for Ocean Affairs and the Law of the Sea, the South Pacific Applied Geoscience Commission and the Commonwealth Secretariat — helped enhance the knowledge and skills of our people and develop an in-depth understanding of the full procedure for preparing the submission of the required technical and scientific data. In addition, various fields of expertise have to be combined to prepare submissions that are in conformity with the technical and scientific requirements of article 76 of the Convention and in accordance with the guidelines prepared by the Commission on the Limits of the Continental Shelf. For that, we are indeed grateful.

We reiterate our concern at the insufficiency of scientific information on the destructive environmental impact of deep sea fishing practices, in particular bottom trawling. Pacific Island leaders have noted a proposal by the Republic of Palau for a moratorium on deep sea bottom trawling and for the creation of a legal framework to manage that method of fishing in order to protect biological diversity on the high seas, and they agreed to develop an appropriate legal framework for consideration by the Pacific Islands Forum in 2006. The Pacific Islands Forum Fisheries Agency and the Secretariat of the Pacific Community were tasked with implementation of that decision. We are keeping a keen eye on further developments on that matter.

Fiji welcomes and supports the decision to continue the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for the next three years. We have always found that forum useful and are looking forward to continuing our participation in it. We also commend all delegates who have worked in cooperation to finalize this session's draft resolutions on oceans and the law of the sea and on sustainable fisheries. We endorse the content of those draft resolutions and recommend their adoption.

The sea has always provided us with food to sustain us, sea lanes to facilitate our trade, minerals to provide power, medicines to cure our many ills and a natural moat to curb our warlike nature. How long that common heritage of mankind can continue to be kind to us is a question to which we must all find a collective solution. It has always been our contention that the sea can survive without us, but we cannot live without the sea.

Mr. Rodríguez Zahar (Mexico) (*spoke in Spanish*): At the outset, we thank the coordinators of the two draft resolutions, Mr. Marcos Almeida and Mrs. Holly Koehler. We also thank the Division for Ocean Affairs and the Law of the Sea for their various reports and for administering various capacity-building programmes for developing countries.

Progress has certainly been made. But, regrettably, we continue to see signs of deterioration of the marine environment and States' failure to fulfil their obligations in adhering to and implementing the international legal regime of the law of the sea. In that context, we believe that cooperation and coordination at all levels, the establishment of interdisciplinary and comprehensive focal points for carrying out ocean-related polices and recognition of the jurisdiction of the competent legal organs for providing peaceful solutions to disputes will ensure the effectiveness of the legal, technical and political tools at our disposal, in particular the 1982 Convention on the Law of the Sea.

One of the technical tools that requires priority attention is the ecosystem approach in oceans management. For that reason, we welcome the fact that the next meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will focus on that theme. It is essential to reach international consensus on the nature and the scope of that tool and its application in various sectors, such as fisheries management.

In that regard, we note that although a single theme was chosen for the next meeting of the Consultative Process, it is Mexico's understanding that themes should be selected according to their nature, complexity and scope. The decision to address a single theme should be an exception.

Mexico underlines the valuable work of the Commission on the Limits of the Continental Shelf, and we express our concern at the logistic implications that the Commission's significantly increased workload will have in the foreseeable future. States parties to the Convention should reflect on the options for addressing the problems created by the additional workload.

Mexico considers it important that the draft regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts now being negotiated in the International Seabed Authority reflect the principles of contemporary international law, in particular international environmental law, with the aim of establishing an

objective regime of liability for damage to the marine environment of the Area. We believe it important that the Authority consider the possibility of changing the dates of its meetings in order to improve attendance in Kingston. It is essential that the meetings continue to be held at the Authority's headquarters.

Mexico reaffirms the importance of promoting capacity in the preparation of reliable nautical charts that ensure navigational safety and the protection of the environment, in particular vulnerable marine ecosystems such as coral reefs. It is essential for financial institutions to provide resources for the transition to electronic nautical charts.

The international community should give special attention to the protection of the human rights of seafarers, especially because of the frequent violations of their right to due process. Thus, the Convention's provisions on the prompt release of vessels and their crews, penalties for the pollution of the marine environment by foreign vessels and the recognized rights of the accused must be respected.

With respect to the maritime transport of radioactive materials and the lack of adequate regimes to establish responsibility and compensation in the case of accidents, while we recognize progress made in the framework of the International Atomic Energy Agency (IAEA), we share the Caribbean Community's opinion that more effective steps should be taken to address the concern of small island and other coastal States.

With respect to the conservation and sustainable use of marine biological diversity beyond national jurisdiction, we look forward to the outcome of the efforts of the Ad Hoc Open-ended Working Group, which meets next February. We believe that all issues within the Working Group's mandate should be examined in detail. In addition, we want to emphasize that, in accordance with resolution 59/25, consideration of substantive questions associated with the impact of deep-sea bottom trawling on vulnerable marine ecosystems shall not be resumed until next fall.

Mexico believes it essential that States not parties to the 1995 Fish Stocks Agreement participate on equal footing in the Agreement's review conference and its preparatory process. The conference's rules of procedure should fully respect article 36 of the Agreement by allowing only intergovernmental and non-governmental organizations to participate as observers. Hearing the concerns of non-parties is the only way to achieve the Agreement's universality.

Responsible international commerce is, without doubt, crucial to ensuring that fishing contributes to sustainable development. Essential to achieving that goal are the proposed systems for certification and eco-labelling, provided that they are in conformity with international law. Real, non-discriminatory access to markets is needed, while unnecessary and hidden trade barriers and distortion must be eliminated, in accordance with the principles contained in the Code of Conduct for Responsible Fisheries.

Mexico wishes to stress that it interprets the reference to marine protected areas in paragraph 75 of the draft resolution on sustainable fisheries as referring to areas that serve purposes of protection and conservation in fisheries management, in accordance with paragraphs 100 to 103 of the report of the twenty-sixth session of the Committee on Fisheries (COFI) of the United Nations Food and Agriculture Organization (FAO). That sense is covered in Mexican legislation.

Mexico attaches special importance to the topic of capacity-building and the transfer of marine technology. We therefore commend the fact that the draft resolution on sustainable fisheries notes the importance of capacity-building in helping developing countries to participate in high seas fishing. Similarly, Mexico believes that capacity-building and cooperation at the regional level are crucial. Keeping that in mind, Mexico has continued to provide financial resources to the assistance fund of the Caribbean Conference on Maritime Delimitation.

In that respect, we are pleased by the recent election of Jamaica as President of the Conference. Furthermore, Mexico believes it is crucial that there be specialized technical mechanisms which, through the coordination of various competent agencies, can address the problems of oceans. Therefore, we support the establishment of United Nations Ocean and Coastal Areas Network, whose results should be circulated to all States and whose deliberations should take into account the views of Member States, in particular in the work of its task forces.

We are pleased that agreement has been reached on the start-up phase for the submission of periodic reports and evaluation of the status of the world's oceans — including socio-economic aspects, where there must be significant participation by developing

countries in the group of experts to be formed by the agencies that will lead that phase. We welcome the fact that the General Assembly has called upon the United Nations Environment Programme (UNEP) and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to participate in that work. However, we wish to note that in subsequent stages of the process, we should consider which agencies should deal with the task.

The scale and great variety of subjects covered by both draft resolutions are clear proof of the strategic importance of ocean affairs in the world in recent years. The continued productivity of oceans depends on whether the international community uses them in a sustainable manner, and requires that we properly recognize that the problems of oceans are closely interrelated and must be considered as a whole.

Given that the international community is faced at present with new challenges concerning oceans, currently as well as in the past, the Convention on the Law of the Sea continues to provide the legal framework and focus for all ocean activities.

Mr. Chaabani (Tunisia) (*spoke in French*): At the outset I would like to take the opportunity to thank the Secretary-General of the United Nations for his comprehensive reports on fisheries and on the oceans and the law of the sea. I would also like to thank the coordinator of the informal consultations on the draft resolutions that are before us, as well as the Division for Ocean Affairs and the Law of the Sea for their ongoing contributions and their commitment to the success of our work.

We also wish to take this opportunity to note with pleasure the role and the work of the institutions that have been set up under the United Nations Convention on the Law of the Sea: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

Next year will be an important one for the oceans and the law of the sea, in particular with the launching of a process to establish a global international legal framework governing biological resources in sea areas beyond national jurisdictions.

Next year, we will also see the holding of a review conference on the 1995 Agreement on the management and conservation of fish stocks, which complements the Montego Bay Convention.

The current debate and the draft resolutions before us assert the commitment of the General Assembly to the issues concerning the oceans and the law of the sea in a context marked by the fear of the serious implications for future generations of the deterioration of marine ecosystems and the excessive exploitation of marine biological resources.

As is shown by the outcome of the World Summit on Sustainable Development, there is a growing awareness of the importance of the oceans and the seas for land-based ecosystems. They play a critical role in ensuring global food security — in particular in developing countries — by maintaining economic prosperity and contributing to the well-being of current and future generations.

We believe that the General Assembly should play a role in protecting and ensuring the sustainable use of fisheries resources, in particular by managing, coordinating and controlling programmes put in place by the specialized bodies and institutions.

In that context, my country is following with interest the efforts aimed at establishing a moratorium on deep-sea bottom trawling. However, my country believes that fisheries beyond national jurisdictions in partially closed seas, such as the Mediterranean, should be controlled within the framework of regional fisheries organizations on the basis of work and studies carried out by those bodies.

Here, we support the unanimous decision taken by the General Fisheries Commission for the Mediterranean, which bans trawling in the high seas where the sea depth is greater than 1000 metres. The protection and preservation of the marine area and its resources is a source of constant concern for Tunisia, which is a developing coastal country whose territorial waters are adjacent to the high seas.

In that context, Tunisia has adopted, last June, a law that creates an exclusive economic zone on its shores, in line with the relevant provisions of the United Nations Convention on the Law of the Sea and following similar declarations made by various countries in the region. We will, as necessary, delimit the outer limits of that zone through joint work with the neighbouring States concerned.

In creating a regime for exploiting the seabed beyond national jurisdictions that provides for fair sharing of the resources, the Convention reflects the desire for a fair and equitable international economic order to control the oceans. The concept of humanity's common heritage, as expounded upon in the Convention, embodies the hopes of developing countries for a world based on peace, justice, solidarity and progress for all.

For that reason, while we understand the reasons given for reconsidering some of the aspects of the regime as set out in the Convention, including adapting the Convention to current economic and political realities, Tunisia stresses the interest of developing countries to preserve the spirit of the Convention.

We therefore look forward to the launching of the work of the Ad Hoc Open-ended Informal Working Group, whose mandate is to study questions relating to the conservation and sustainable use of marine biological diversity in those areas beyond national jurisdiction.

Mr. Shin Kak-soo (Republic of Korea): My delegation thanks the Secretary-General for his comprehensive and informative report on oceans and the law of the sea (*A/60/63*). We also commend Mr. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their dedicated work and their invaluable assistance to Member States. Finally, we would like to thank Mr. Marcos Lourenço de Almeida of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two draft resolutions before us.

Currently, the number of parties to the United Nations Convention on the Law of the Sea (UNCLOS) stands at 149, while the number of parties to the Agreement relating to the implementation of Part XI of the Convention has increased to 122. Given the centrality of the Convention as the global legal framework for the governance of the oceans and seas, it is important that all activities in the oceans and seas be carried out within that framework and that the integrity of the Convention be maintained. We join other States in urging those that have not yet done so to accede to the Convention and to the Agreement as soon as possible.

As the implementing mechanisms of the Convention, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf have all played important roles. The Republic of Korea has been actively participating in their work and will continue to do so. Because the omnibus draft resolution encourages all States parties to the Convention to attend the sessions of the International Seabed Authority, wider participation should be ensured.

The oceans and seas are invaluable to the welfare of humanity, providing living and non-living marine resources and vital means of transportation. Unfortunately, however, maritime security is a serious concern for many seafaring States. In particular, piracy and armed robbery at sea require vigilance at the subregional, regional and international levels. To eradicate the scourge of piracy and armed robbery against ships currently plaguing the waters of South-East Asia, 16 countries have adopted a Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. As one of those 16 countries, the Republic of Korea is in the process of completing the domestic process of signing that Agreement and advancing its early entry into force.

The development of marine science and technology is crucial in providing the data and evidence to enable the international community to optimize its resources for carrying out necessary measures. In that regard, my delegation underlines the importance of scientific and technical cooperation in ocean affairs, including the exchange of information, as well as joint research activities.

To achieve the conservation, management and sustainable use of living marine resources, States must cooperate to prevent, deter or eliminate illegal, unreported and unregulated fishing activities. In enhancing such cooperation, the international community should set priorities for the measures that must be taken.

The Republic of Korea has put in place a framework to prevent the operation of substandard vessels and to exercise effective control over vessels flying its flag in order to prevent or deter them from engaging in illegal, unreported and unregulated fishing. We are faithfully adhering to the international plan of action of the United Nations Food and Agriculture Organization (FAO) against illegal, unreported and unregulated fishing. We will continue to work together with other States, international organizations, such as

the FAO and all regional fisheries management organizations, to achieve responsible fishing. The Republic of Korea is also continuing to implement measures to protect the marine environment by preventing or reducing pollution from vessels and land-based sources.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea held its sixth meeting this year. Among the topics discussed was the very pertinent issue of fisheries and their contribution to sustainable development. With its third three-year cycle beginning next year, the Informal Consultative Process should maintain its relevance and usefulness, as well as its inclusiveness and open-ended nature.

Coordination and cooperation among various United Nations agencies, programmes and funds and other bodies related to international conventions are essential for the effective management of marine issues. In that regard, we expect that the Oceans and Coastal Areas Network will continue to strengthen its work.

The Indian Ocean tsunami demonstrated clearly that there is a strong need to establish an early warning and rapid response system for such disasters. To that end, the international community should engage in capacity-building cooperation to help developing countries strengthen their ocean-related infrastructures. The Republic of Korea is doing its part to enhance international cooperation by transferring marine technology to developing countries through the Korea International Cooperation Agency's funding and internship programmes.

In conclusion, the international community has long been collaborating to find common ground for ensuring safe transport and the sustainable use and management of marine resources. The United Nations has been a vital forum where States can engage in constructive dialogue on these important issues. As a responsible maritime State, the Republic of Korea will continue to participate actively in the ongoing process of ensuring sound governance of the oceans and seas.

Ms. Banks (New Zealand): New Zealand warmly associates itself with the statement presented by the representative of Papua New Guinea on behalf of the States of the Pacific Islands Forum, of which New Zealand is a member.

New Zealand is pleased to once again co-sponsor both the omnibus oceans draft resolution and the sustainable fisheries draft resolution. We would like to add a few additional comments to the debate on our own behalf.

We all know that 2006 will be a busy year for work on oceans and the law of the sea. States will tackle important cross-cutting oceans issues, such as marine biodiversity in areas beyond national jurisdiction, the review of the effectiveness of the 1995 United Nations Fish Stocks Agreement and the implementation of actions called for in last year's Assembly resolution 59/25 with respect to vulnerable marine ecosystems.

In February next year, an ad hoc open-ended working group will meet to discuss complex issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. It is clear to us that more must be done to protect marine biodiversity in those areas. New Zealand looks forward to the chance to discuss, under General Assembly auspices, the full range of issues arising within the mandate of the working group and to begin consideration of the mechanisms necessary to ensure proper protection, for the long term, of biodiversity beyond national jurisdiction. New Zealand reaffirms its readiness to engage seriously with others to work through the relevant issues to enhance protection of the marine environment.

New Zealand is a strong supporter of the United Nations Fish Stocks Agreement and urges wide participation in next year's review conference to assess the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. New Zealand strongly encourages appropriate application of the Agreement's general principles to discrete fish stocks in the high seas.

New Zealand warmly welcomes the renewal of the mandate for the Informal Consultative Process. We continue to believe that that forum provides an invaluable opportunity for integrated discussion on important oceans issues. It is a positive signal that States, while recognizing the need to strengthen and improve the efficiency of the Consultative Process, are supportive of its role.

New Zealand is concerned about the negative impacts of illegal, unregulated and unreported fishing,

particularly the extent to which it undermines conservation and management measures adopted by regional fisheries management organizations and, ultimately, the sustainability of fish stocks. We are pleased to see support for increased coordination and cooperation in important areas such as data collection, information-sharing, capacity-building and training. We hope those efforts will contribute to greater compliance with conservation and management measures.

New Zealand continues to believe that action to address the adverse impacts of fishing activities on vulnerable marine ecosystems is necessary and urgent. Last year we noted that New Zealand was taking its first steps towards the establishment of a new regional fisheries management organization in the Tasman Sea area — the area adjacent to New Zealand's waters. This year we are pleased to advise that in February 2006, New Zealand, with the support of Australia and Chile, will host the first intergovernmental meeting to discuss the establishment of a regional fisheries management organization in the South Pacific to regulate those species not covered by existing organizations. We see that initiative as an important step in extending the geographical coverage of such organizations and facilitating the adoption of robust conservation and management measures.

The Pacific Islands Forum addressed the need for management of deep-sea bottom trawling at its Leaders meeting in October. Like all members of the Pacific Islands Forum, New Zealand is seriously concerned about the need to protect biodiversity from the adverse impacts of that activity. We will also actively engage in the regional context to ensure better protection of vulnerable marine ecosystems.

During next year's General Assembly, Member States will meet to review progress on action taken concerning the impact of fishing on vulnerable marine ecosystems. Together with regional organizations, we as Member States must take the time to provide comprehensive information to the Secretariat on actions taken to regulate destructive fishing practices and bottom trawling that have adverse impacts on vulnerable marine ecosystems. Comprehensive reporting by States and regional organizations will ensure that next year's review is meaningful and that future decisions on further measures are well-informed. We look forward to the first draft of the Secretary-General's report, in July next year, on actions taken by States.

Finally, we thank the Secretary-General for his report, which is, as always, comprehensive and of great assistance to delegations and to the wider oceans constituency. We participated in the consideration of the report during the Informal Consultative Process earlier this year, which identified key issues of concern. As a sponsor, we fully support the reflection of those concerns and the conclusions reached in both draft resolutions under the agenda item.

Mr. Sen (India): My delegation welcomes the comprehensive reports of the Secretary-General on oceans and the law of the sea. We have studied with interest the Secretary-General's report on issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, which was made available to assist the Ad Hoc Open-ended informal Working Group in preparing its agenda. We appreciate its high quality and are sure that the Ad-Hoc Working Group will benefit from the diverse information offered in the report.

The fisheries sector occupies an important place in the socio-economic development of India. It is a powerful income and employment generator, stimulates the growth of a number of subsidiary industries and is a source of cheap and nutritious food, besides being a foreign exchange earner. Most importantly, it is the source of livelihood for many economically marginal communities.

Harvesting of marine fish resources in India takes place at three levels, namely, subsistence fishing, small-scale fishing and industrial fishing. The recently adopted marine fishing policy of the Government of India advocates the protection and encouragement of subsistence fishermen, technology transfer to the small scale sector, and infrastructure support to the industrial sector. The policy also emphasizes that efforts should be made to fully comply with international requirements in post-harvest care of catch, so as to achieve the highest standards of food safety.

India attaches high importance to the effective functioning of the institutions established under the United Nations Convention on the Law of the Sea (UNCLOS). Given the geography of India, with a coastline extending 4,000 miles and with 1,300 islands, we have a traditional and abiding interest in maritime and ocean affairs. The large population in our coastal

areas and in the islands has always looked to the sea for sustenance. We will continue to extend our full cooperation and participate actively and constructively in all activities pertaining to the Convention and related agreements.

India's accession this month to the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea and to the Protocol on the Privileges and Immunities of the International Seabed Authority demonstrates our commitment to work closely with the institutions established under the Convention.

All of the subsidiary institutions under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, have made considerable progress in their respective areas of work over the past year. India has been working closely with all of those institutions. We have invested heavily in the exploration of minerals in the deep seabed. We continue to incur considerable expenditure for the collection of data as a primary investor and now as a Contractor.

The International Seabed Authority is currently involved in the development of a legal regime for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the Area, especially the elaboration of the rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area.

We note with satisfaction the progress made by the Commission on the Limits of the Continental Shelf. The Commission becomes active as four coastal States have submitted their claims under article 76 of the Convention and a number of countries have indicated the coming submission of their claims between 2005 and 2008. The developing countries that are in the process of preparing submissions to the Commission might require help in some cases to enhance their capacity. In that regard, we appreciate the regional training courses conducted by the Division for Ocean Affairs and the Law of the Sea in Fiji and Sri Lanka and welcome the efforts made by the Division to organize training courses in Ghana and Argentina.

We believe that States that have expertise in the delineation of the outer limits of the Continental Shelf should also extend such cooperation by providing assistance to developing States that require expertise to submit their claim under article 76 of the Convention. In that regard, we would like to reiterate that India has the requisite expertise for assessment and mapping of the continental shelf. We have been and are willing to extend cooperation in training other developing countries for that purpose.

We also welcome in that context the efforts of the Division in publishing a training manual to assist States in developing the requisite knowledge and skills in preparing their submission in respect of the outer limits of the continental shelf. We are happy to note that the checking of the comprehensive training manual has been completed and its final version will be available shortly.

The International Tribunal for the Law of the Sea has been active as an independent judicial body established by the Convention to adjudicate disputes arising out of its interpretation or application. It has decided a number of cases involving a wide variety of issues, such as freedom of navigation and other internationally lawful uses of the seas, the enforcement of customs laws, refuelling vessels at sea, the right of hot pursuit, conservation and sustainable use of fish stocks, provisional measures and matters involving land reclamation. The Tribunal enjoys a high reputation for fairness and integrity. We congratulate the newly elected judges to the International Tribunal for the Law of the Sea and its new President.

The international community has continued to focus over the past year on issues relating to navigation, the conservation and management of living marine resources, and the conservation and management of the biological diversity of the sea-bed in areas beyond national jurisdiction. The discovery of highly complex and diverse ecosystems in areas beyond national jurisdiction, coupled with advances in the biotechnology sector, have led to increasing interest and activities in relation to genetic resources beyond national jurisdiction. As a corollary to those developments, the general debate over the legal status of genetic resources located in the sea-bed in areas

beyond national jurisdiction is also taking on increasing intensity.

The need to devise new approaches within the confines of UNCLOS to promote international cooperation aimed at the conservation and sustainable use of living resources of the high seas and benefit-sharing of sea-bed resources located in the areas beyond national jurisdiction cannot be overemphasized. The participation of developing countries in devising such new approaches greatly depends on the scientific information available to them. The promotion of the flow of scientific data and information, and the transfer of knowledge resulting from marine scientific research, especially to developing States, is therefore needed.

In the area of navigation, we would like to express our serious concern over the escalation of piracy and robbery at sea. Recent incidents involving the killing of crew members, hostage-taking and the hijacking of a ship chartered by the World Food Programme carrying food aid for Somali survivors of the Indian Ocean tsunami represent grave threats to maritime security. The international community must find ways and means to end this menace.

It is a matter of serious concern that efforts to improve the conservation and management of the world's fisheries have been hampered by the increase in illegal, unregulated and unreported (IUU) fishing activities on the high seas, in contravention of the conservation and management measures adopted by regional fisheries organizations and arrangements, and in areas under national jurisdiction, in violation of coastal States' sovereign right to conserve and manage their marine living resources.

Fishing over capacity is another negative factor which is responsible for creating a situation in which the harvesting exceeds the amount of resource available to harvest. Any action that would help in reversing the trend of over-fishing in many areas would help in the reduction of IUU fishing and guarantee the enforcement of the rights of developing coastal States. Another way of eliminating IUU fishing is to eliminate subsidies that contribute to illegal, unreported and unregulated fishing.

In the context of sustainable fisheries, the need to enable developing countries to develop national, regional, and subregional capacities for infrastructure and integrated management and the sustainable use of fisheries cannot be overemphasized. A better understanding of the oceans through the application of marine science and technology and a more effective interface between scientific knowledge and decision-making are central to the sustainable use and management of the oceans.

Marine scientific research can lead to a better understanding and utilization of the ocean and its resources in almost all aspects, including fisheries, marine pollution and coastal zone management. Accordingly, it is vital that developing countries have access to and share in the benefits of scientific knowledge on the oceans. Developing countries also need to be provided assistance for capacity-building, as well as for the development of information resources and related skills, to manage the oceans for their economic development. We therefore particularly support operative paragraph 16 of the draft resolution (*A/60/L.23*) on sustainable fisheries, which, inter alia, invites States and international financial institutions and organizations of the United Nations system to provide assistance to developing States to enable them to develop their national capacity to exploit fishery resources.

Mr. Zhang Yishan (China) (*spoke in Chinese*): Maintaining and strengthening the international order for the oceans and seas and promoting ocean-related activities contribute to achieving the goals of peace and security as laid down in the Charter of the United Nations; to the promotion of cooperation and friendly relations among all countries on the basis of fairness and justice; and to global economic growth and social harmony. Endeavours in that regard are in keeping with humankind's desire, as evidenced today, to achieve the goals of peace, cooperation and development. We hope that consideration of the agenda item on oceans and the law of the sea at this session of the General Assembly will make a further contribution to the attainment of those goals.

The Chinese delegation believes that the legal regime set out in the 1982 United Nations Convention on the Law of the Sea remains the legal basis for the contemporary international order for the oceans. We are pleased to note that the number of States parties to the Convention has increased to 149, evidence of the growing universality of the Convention. We hope to see more States accede to it.

Three issues are of particular importance in the context of international ocean affairs: first, the further implementation of the provisions of the Convention pertaining to the protection and conservation of the marine environment and research in marine science and in the development and transfer of marine technologies; secondly, building up the capacity of developing countries so as to enable them to utilize more effectively marine resources and make a greater contribution to international ocean affairs; thirdly, the full use of relevant international organizations and mechanisms and the strengthening of cooperation and coordination among them.

Ocean-related issues are closely interlinked and must be addressed in an integrated and holistic manner. The United Nations is the most appropriate and authoritative forum for dealing with these issues, which are of common concern to all countries. We support the Open-ended Informal Consultative Process on Oceans and the Law of the Sea set up by resolution 54/33 and extended by resolution 57/141. In the past six years, that Process has served as an important forum in which all States, including non-parties to the Convention, can discuss issues about oceans and the law of the sea and coordinate their positions. It has therefore contributed positively to the deliberations of the General Assembly.

Experience has shown that the principles set out in resolution 54/33 for the Process have been critical in ensuring that the wisdom of all participants is pooled and in advancing the consideration of agenda items. We support the extension of the Process, based on existing principles, for another three years and agree that there is a need to improve its working methods in order to enhance its efficiency.

The protection of the marine environment calls for urgent action. The Chinese Government attaches great importance to the protection of the marine environment and to the promotion of sustainable development. It took an active part in the 2002 World Summit on Sustainable Development and supports the early establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, within the United Nations framework, while making full use of existing regional assessment mechanisms. We welcome the outcome of the second international workshop held this June and hope to see the "assessment of assessments" begin at an early date on that basis, so that the process can be launched soon. China is ready and willing to participate directly in efforts towards that end and to contribute to the process.

With regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, the Chinese delegation welcomes the establishment by resolution 59/24 of an ad hoc open-ended informal working group. We believe that the protection of biodiversity beyond areas of national jurisdiction should take full account of existing regimes concerning the high seas and international sea-bed and give full play to the role of existing international organizations and institutions. This is very important work, and China will actively take part in it.

The Review Conference of the 1995 United Nations Fish Stocks Agreement will be held next year to evaluate the effectiveness of the Agreement in the conservation and management of straddling fish stocks and highly migratory fish stocks. Pursuant to article 36 of the Agreement, the Secretary-General will, at that time, invite to the Conference all States parties to the Agreement and States and entities entitled to become parties, as well as intergovernmental and non-governmental organizations entitled to participate as observers in the Conference.

The Chinese delegation will seriously prepare for and actively participate in the Review Conference, as well as in the preparatory meeting, and will play a constructive role. The Chinese Government believes that the entry into force of the 1995 Agreement has made it easier to regulate fishing conduct on the high seas and to make it more uniform.

The key to the implementation of the Agreement is to be found at the regional level. Regional fishery management organizations and arrangements should continue to play a significant role, act according to their respective circumstances and formulate and implement fishery-related conservation and management measures on the basis of full consultations.

China is one of the developing countries that have the largest number of fishermen and fishing fleets. Our fisheries are of vital importance to food security, social stability and poverty reduction in China. For the past decade or so, China, as a responsible fishing State, has done a great deal to

strengthen the conservation and management of fishery resources and has curbed its harvesting as much as possible in the interests of the sustainable development of global fisheries.

The Chinese delegation believes that when considering fishery issues, the international community should aim at regulating conduct and achieving sustainable development. For those purposes, we need to achieve an appropriate balance in the relationships between, first, fishery production and the conservation of fishery resources; secondly, the conservation of fishery resources and the protection of the marine environment; thirdly, the needs of the present generation and those of future generations; fourthly, coastal fisheries and high-seas fisheries; and, fifthly, the practice of "first-come-first-served" and the need to ensure the right of all countries, particularly developing countries, to share fishery resources.

In the view of the Chinese delegation, building the marine capacity of the developing countries is a major issue confronting the international community. Many developing countries must, as a matter of urgency, build up their capacities in the areas of nautical charts production, ship-building, the protection of the marine environment, marine science research and development, law enforcement at sea and the combating of maritime crimes.

In order to enhance the capacity of the developing countries in marine conservation and management, the developed countries should actively facilitate the transfer of marine technologies to the developing countries under fair and reasonable conditions, and the relevant international organizations should assist the developing countries in carrying out regional or multilateral cooperation, in securing appropriate international funding for marine research and development and in personnel training. The Chinese Government and people have had some success in the area of marine capacity-building, and we are more than willing to share our experiences with other developing countries.

Since ancient times, the oceans and the seas have confronted the human race with numerous difficulties and challenges, while yielding bountiful harvests and providing for its well-being. We need sufficient courage to overcome the difficulties and challenges and sufficient wisdom to enjoy the harvests and the state of well-being. China is ready to join with other countries to uphold the spirit of the Convention, abide by international commitments and work for the cause of ocean affairs, as well as for peace, justice, harmony and the progress of humankind.

Ms. Juul (Norway): The General Assembly is the universal forum for discussing current issues regarding ocean affairs and the law of the sea. That is underlined by the breadth of the issues currently being dealt with within the broader framework of the Assembly. It is essential that all important discussions on the broader developments of the law of the sea should take place within this representative forum, and we believe that the United Nations will continue to have an important role to play.

In this regard, I would like to commend the Division for Ocean Affairs and the Law of the Sea on the excellent job that it is doing to provide the Assembly with the necessary input on the topics under discussion. This year, as always, the Secretary-General's reports on the law of the sea and related issues are of the highest quality. Those reports are invaluable tools for evaluating the dynamic developments in ocean affairs.

I will focus on three main topics in my statement today: the evaluation of the 1995 Fish Stocks Agreement, the sustainable management of living marine resources and protection of the marine environment, and maritime security.

The 1995 Fish Stocks Agreement is an essential contribution to the law of the sea as regards the management of straddling and highly migratory fish stocks. We will evaluate the Agreement during a one-week conference in May next year, only four years after it came into force. The Agreement must be regarded as an infant in the context of international law, and we must keep that in mind when we review it.

So far, only 56 States have become party to the Agreement. That means that several important fishing nations are still outside that cooperation. At this stage, the rather low number of parties is the Agreement's main weakness. The conference will provide an opportunity to take a closer look at what is keeping States from joining and what measures we can take collectively to get more States on board. The conference should take advantage of that opportunity and develop a systematic approach for encouraging more States to join. Let me also take this opportunity to

encourage all States that are not party to the Agreement to join as soon as possible.

An important task for the conference will be evaluating the implementation of the provisions of the Agreement in the national legislation of the parties and in the mandates of the regional fisheries management organizations of which they are members. Those organizations and their parties have a heavy responsibility as regards a broad range of challenges related to ecosystem-based resource management and the conservation of biodiversity. States must make sure that their regional fisheries management organizations and other arrangements have the mandates they need in order to make all necessary management and conservation decisions.

At the conference we must also consider what we can do to expand the network of regional fisheries management organizations and other arrangements, for example by establishing new such bodies for areas that are not currently covered by any organization or arrangement.

The United Nations Convention on the Law of the Sea recognizes the responsibility of coastal States for the sustainable management of living resources in their maritime zones. Through the Agreement, States are obliged to cooperate in the management of straddling and highly migratory fish stocks. In discharging those responsibilities, the coastal States and the regional fisheries management organizations are afforded a wide range of discretion when choosing the most appropriate management measures.

However responsible and precautionary the coastal States and such organizations might be in their management, the full purpose will not be served as long as we are struggling with illegal, unreported and unregulated (IUU) fishing. Such fishing is the single most serious threat to the world's marine resources today. Curbing such fishing is therefore among the most important measures we can take to protect marine resources. The responsibility for doing so unquestionably rests with each and every State involved in fishing or the fish trade in one way or another. Here, obviously, a huge responsibility rests with the flag States. Unfortunately, some States allow vessels to fly their flag without ensuring that the fishing practices of those vessels are legal and sound. The substantial strengthening of targeted port State control measures is also crucial in order to effectively combat illegal, unreported and unregulated fishing.

Recently, in the international debate on the sustainable management of marine resources and the protection of marine ecosystems, there has been a strong focus on the high seas. There are substantial challenges related to biodiversity in areas outside national jurisdiction. However, the high-seas focus must not mislead us into thinking that the greatest challenges related to resource management and conservation are to be found on the high seas. Rather, the main problems are still to be found within national zones. The greatest challenge is to encourage the necessary political will so that States will deal effectively with their domestic problems.

While the main problems related to the marine environment and to marine resources are within national zones, there are also obvious and huge challenges on the high seas. In that regard, we have discussed the legal basis for taking measures in those areas. Some claim that the problem is that no State or organization has the jurisdiction to deal effectively with these problems. That has led to calls for the negotiation of new legal instruments. Some call for the formation of some kind of body with the authority to, for example, establish marine protected areas. I would like to make a few points in that regard.

First, States have jurisdiction to regulate activities carried out by their subordinates on the high seas.

Secondly, there are several organizations that already have regulatory competence on the high seas. Regional fisheries management organizations and the International Maritime Organization (IMO) are examples of entities that can make decisions of a binding nature regarding activities on the high seas within their respective mandates. The International Seabed Authority can and is supposed to regulate mining activities in the Area in such a way that any negative effects on the marine environment are minimized or avoided.

Thirdly, our focus should be on identifying practical measures to deal with specific problems. The challenge is to utilize existing instruments and mechanisms to the fullest extent possible within their current mandates in order to manage and conserve marine biodiversity in these areas.

Fourthly, the limits on measures that may be implemented within the framework of existing instruments and mechanisms are determined by the political will of States. Negotiating new instruments is time-consuming and difficult, and it diverts valuable resources and focus from the implementation of specific measures that will have practical results in the short term. Rather than focusing on developing new instruments, States should cooperate more closely so as to utilize existing possibilities.

The Secretary-General's latest report on oceans and the law of the sea refers to a large number of actual and attempted acts of piracy and armed robbery. It is reported that the level of violence has escalated and that the areas most affected are in the Far East. This threat to seafarers and the shipping industry is of great concern to my Government. We commend those Asian Governments that have taken an active interest in developing cooperation to curb this problem, and we stand ready to cooperate further in an attempt to make shipping more secure. The IMO also deserves praise for its efforts. We encourage that organization to continue its engagement in this field.

An important step to prevent and suppress terrorism and the proliferation of weapons of mass destruction at sea was taken in London last October, when the IMO Diplomatic Conference adopted a protocol to amend the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Those amendments provide for the criminalization of additional international terrorist and non-proliferation offences and a boarding regime for interdiction on the high seas. That is a major contribution to the implementation of Security Council resolutions 1368 (2001), 1373 (2001) and 1540 (2004) against terrorism and proliferation. I would like to commend the International Maritime Organization on a job well done, and I encourage all parties to sign and ratify the protocol as soon as possible.

Mr. Al-Mutairi (Kuwait) (*spoke in Arabic*): I should like at the outset to thank the Secretary-General for his comprehensive reports on agenda item 75, regarding the United Nations Convention on the Law of the Sea (UNCLOS) and the commitments set out therein.

The State of Kuwait welcomes the steady increase in the number of parties to the Convention, which has now reached 149. We urge those countries that have not yet joined the Convention to expedite their accession to the Convention in view of its universality and importance. We also wish to express our appreciation for the progress made by all the institutions established under the Convention's provisions, particularly the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

Stressing the importance of full implementation of the provisions of the Convention as the legally agreed framework for the peaceful uses of the oceans and seas, we express our belief that building the capacities of States parties is key to the successful implementation of the Convention, because it will enable developing nations to more effectively manage and conserve their marine resources.

The United Nations Convention on the Law of the Sea defines the legal framework within which all activities relating to the oceans and seas should be carried out. It stipulates the limits of regional waters, areas of national jurisdiction and the limits of the continental shelf, in addition to the freedom of navigation beyond the limits of national jurisdiction and the right of transit in regional waters and in straits used for international navigation. It also supports friendly relations and cooperation among all countries. Such integration in the provisions of the Convention is the basis of the sovereignty of the law of the oceans and the seas. The State of Kuwait therefore calls for enhanced cooperation and coordination at all levels in accordance with the provisions of the Convention, in order to address all aspects of integrated management and sustainable development of the seas and oceans.

We attach great importance to the protection and conservation of the marine environment and its biodiversity. Therefore, we must redouble our efforts to combat and limit the pollution and degradation of marine ecosystems. In that context, we must take into consideration the proposals of the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development, which calls for the maintenance of the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction. We should also put an end to the use of fishing techniques that are harmful to the marine environment. We also join all delegations in calling for

taking necessary measures to put an end to illegal fishing, in accordance with international law.

The State of Kuwait is fully committed to the issue of oceans and the law of the sea and acceded to the United Nations Convention on the Law of the Sea in 1986 and to several other conventions, including, in 2002 the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea.

Kuwait is also party to the Protocol concerning Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf. Kuwait is also considering acceding to the 1995 United Nations Fish Stocks Agreement, as well as other relevant instruments. In April 2005, Kuwait submitted a report on the matter to the Secretary-General.

At this time we would like to note that Kuwait is the host country of the Regional Organization for the Protection of the Marine Environment (ROPME), which was established by regional agreement in 1978, in order to promote cooperation in protecting the marine environment from pollution. It is an agreement that seeks to coordinate the efforts of all countries of the Gulf region for the protection and conservation of marine resources.

Kuwait is also involved in other programmes with the International Atomic Energy Agency (IAEA) for the protection of the marine environment.

In conclusion, I would like to emphasize that my delegation hopes to undertake joint efforts to improve the lives of all peoples of the world through the optimum exploration and exploitation of marine resources and their conservation, which would enable each and every country to realize the environmental sustainability it seeks to achieve.

Mr. Ray (Australia): A year ago we marked the important milestone of the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea. Year by year, we have seen a strengthening in the status of the Convention as the foundation of the global community's interaction with, and use of, the ocean and its resources.

Since last year, we have moved closer to realizing the objective of universal adherence to the Convention, and Australia congratulates those States that acceded in the past year: Burkina Faso, Estonia and Latvia. It cannot be denied that significant portions of the Convention now form part of the corpus of customary international law.

In coming years, we should continue to focus on ensuring effective oceans governance through implementation of the Convention and related instruments. We also need to continue our work in identifying any gaps in the regime for high seas governance and work towards building cooperative mechanisms to properly conserve and sustainably manage the living resources of the oceans.

Given the importance we attach to as-broad-as-possible participation by States in informal meetings for the preparation of General Assembly draft resolutions, Australia wishes to express its concern at the numerous scheduling conflicts with other essential meetings this year. Those clashes have made our and other delegations' effective participation in the informal preparatory process extremely difficult, and we call on the Secretary-General to ensure that the situation is not repeated in coming years.

We express our thanks to the coordinators and the Secretariat, whose jobs seem to get harder every year as the resolutions get longer and longer. There are many topical aspects of the law of the sea and international fisheries that are worthy of our close attention, but their prominence is only obscured by our collective insistence on repeating the same things year after year. We urge again that all Members endeavour to shorten the draft resolutions in future.

As usual, Australia will co-sponsor and, if necessary, vote in favour of both draft resolutions before us. We are pleased with the attention given to the issues, such as maritime security, the sustainable management and conservation of marine living resources, and the work of the Commission on the Limits of the Continental Shelf (CLCS).

Threats to maritime security cannot be ignored. The potential impact of threats to maritime security on sea transportation, safety of navigation and the marine environment, as well as the threat posed to human lives and property, calls for effective countermeasures at the international, regional and bilateral levels.

For that reason, Australia welcomes paragraph 50 of the omnibus draft resolution, and looks forward to working with other States to continue to address threats to maritime security. We welcome and support practical measures to improve maritime security and

would be ready to explore requests for technical assistance and capacity-building.

In particular, we welcome the recent adoption by the International Maritime Organization in October this year of two protocols amending the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its 1988 Protocol relating to fixed platforms on the continental shelf.

When implemented, the new definitions of offences under those Protocols will represent an important tool in the fight against terrorism and the proliferation of weapons of mass destruction. Australia will give early consideration to signing and implementing the protocols in accordance with its domestic treaty-making processes, and urges other States to do the same, as soon as possible, in respect of both the original Convention on the safety of maritime navigation and the fixed platforms Protocol, as well as the recently adopted amending protocols.

In addition, Australia welcomes the adoption in November 2004 of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. The Agreement provides a transparent means of engaging countries in the Asia-Pacific region in maritime security through information sharing.

Australia welcomes paragraph 35 of the omnibus draft resolution. Last year, Australia lodged with the Commission on the Limits of the Continental Shelf its submission on the outer limit of the shelf beyond 200 nautical miles from the territorial sea baseline. We look forward to working with the Commission in the coming months as it formulates the recommendations on which our final and binding outer limit will be based.

We are confident that those recommendations will emerge within a reasonable timeframe. However, we are concerned that, for reasons beyond the Commission's control, it will not necessarily be the case for States that follow us, given that the Commission now only has the capacity to deal in detail with two submissions concurrently.

We welcome the work of the Division for Ocean Affairs and the Law of the Sea in assisting to build the capacity of States preparing submissions. From Australia's viewpoint, we are pleased to be able to share our experiences with other States undertaking the process of planning or preparing their own submission.

Turning to fisheries, Australia welcomes the accession, since our last session, of four more States to the vitally important United Nations Fish Stocks Agreement: Belize, Guinea, Kiribati and Liberia. Wide acceptance of the Agreement's provisions will add to their impact in enhancing the international law of fisheries.

Moreover, the review conference on the Agreement coming in May 2006 will provide an important opportunity for States to take stock, critically assess the effectiveness of the Agreement and promote cooperative and sustainable fisheries management and the international law of the sea more generally.

Regional organizations play an important role in the management of responsible and ecologically sustainable fishing, especially in areas where no management regime currently exists. We welcome various developments in Australia's region with respect to regional fisheries management organizations.

The Western and Central Pacific Ocean Fisheries Commission (WCPFC), currently chaired by Australia, held its first meeting in the Federated States of Micronesia in December 2004. The second meeting will be held in a few days.

The stocks of the Western and Central Pacific are a significant natural resource for Pacific coastal States. Australia will continue to work hard with its neighbours to ensure that this regional fisheries management organization employs world best practice in the sustainable management and the conservation of highly migratory species. We warmly welcome the accessions to the Honolulu Convention this year of the Philippines, Japan, Canada, Vanuatu and France. It is particularly gratifying to see such a broad participation in the Commission by coastal States and distant-water fishing interests.

We look forward to the adoption in the near future of the southern Indian Ocean fisheries agreement. It too should bring best international practice to the conservation and the sustainable management of all fish stocks in the relevant part of the Indian Ocean.

Australia is also pleased to inform members of a recent initiative of Australia, New Zealand and Chile to commence negotiations on a new regional fisheries

management organization to regulate currently unregulated fish stocks in the South Pacific, which is one of the last remaining areas of the high seas without a comprehensive international management regime for discrete and straddling stocks. The first formal negotiating conference will be held in Wellington in February 2006, and we invite all States and entities with a genuine interest in fishery to consider actively participating in the new regional fisheries management organization at the earliest possible stage.

The recommendations of the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea are the source of much of the new language in the draft resolutions before the Assembly. That further attests to the value of the Oceans Process and the role it plays in enhancing and informing the Assembly's debate.

Australia supports and welcomes the renewed mandate of the Oceans Process and hopes that it will continue to bring focused and expert deliberation, including from civil society, to complex issues facing oceans and the law of the sea.

Australia has been a longstanding champion of high seas biodiversity conservation and is seriously concerned about the impact of a range of human activities on the vulnerable ecosystems of the high seas. Damaging impacts are caused by a range of destructive fishing techniques and by the ever-present scourge of illegal, unreported and unregulated fishing. We should not limit our focus simply to the issue of bottom trawling.

The efficacy of measures taken will depend in part on the willingness of flag States to properly regulate and control the activities of their nationals. Australia will continue to ensure that fishing is conducted responsibly and managed through the use of appropriate measures. We will also continue to work hard to improve governance on the high seas more generally.

Australia welcomes the participation of non-governmental organizations, industry representatives and scientists in the planned February meeting of the Ad hoc Open-ended Informal Working Group studying the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. Those areas cover about half of the world's surface, and their unique biodiversity has been the subject of much international discussion in recent years. We hope that the meeting in February will help identify options for better conserving and sustainably managing that biodiversity.

We welcome the language on marine debris. Discarded fishing nets and other gear, such as plastics, constitute a significant danger to marine mammals and turtles in Australia's region and more generally. Greater international cooperation is required. The first phase of the Global Marine Assessment — the so-called assessment of assessments — will be important. Better scientific information is crucial for improving our decision-making and for better focusing our conservation-based initiatives.

Australia would like to underline its strong desire for enhanced measures to tackle illegal and unregulated fishing. We continue to act firmly against unlicensed vessels fishing in Australian waters and have responded promptly to situations of apparently illegal or unregulated vessels in areas regulated by regional fisheries management organization, in turn raising awareness among Member States.

Australia recently boarded a vessel suspected of fishing illegally in the Australian exclusive economic zone, with the express consent of the flag state, Cambodia. The Australian Government is grateful to the Government of Cambodia for its cooperative approach, which sets an example for other States that become aware of illegal conduct by their flagged vessels.

Consistent with the United Nations Fish Stocks Agreement, it is Australia's strong view that States have an obligation either to join relevant regional fisheries management organizations where entitled to do so or, otherwise, to refrain from fishing in areas regulated by such fisheries organizations, unless those States agree to apply all relevant conservation measures. Australia does not view the general obligations under the United Nations Convention on the Law of the Sea and customary international law with respect to the conservation and the sustainable management of marine living resources as merely aspirational or amorphous. They are concrete and substantive obligations with direct application.

Australia welcomes the reference in the omnibus draft resolution (*A/60/L.23*) to the Ministerial Declaration of the May 2005 Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement, entitled "Moving from Words

to Action" and held in St. John's, Canada. The Declaration calls on States to take practical steps to end unsustainable fishing practices and reinforces the commitment of all nations to manage fisheries in a sustainable fashion. Australia welcomes the impetus the Declaration gives to fleshing out the meaning of a genuine link between the flag State and the vessel in the registration of fishing vessels and would welcome greater transparency in fishing vessel ownership across the globe.

Finally, Australia would like to leave other members with the thought that perhaps treating illegal, unreported and unregulated fishing as a single problem, which gets reduced to the acronym "IUU", has outlived its usefulness. After all, IUU fishing is not just one problem but three, each of which requires separate international responses. Those responses must focus on flag States' responsibility over their vessels when fishing on the high seas or in the exclusive economic zones of other States. Flag State accountability should be the focus of our efforts.

Mr. Hannesson (Iceland): At the outset I would like to commend the Secretariat, in particular the able staff of the Division for Ocean Affairs and the Law of the Sea, headed by Mr. Vladimir Golitsyn, for their comprehensive reports on oceans and the law of the sea (*A/60/63* and *A/60/91*) and on sustainable fisheries (*A/60/189*). I would also like to express our appreciation for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division.

Let me furthermore acknowledge the professional manner in which the coordinators, Commander Marcos de Almeida of Brazil and Ms. Holly Koehler of the United States, conducted the informal consultations on the omnibus and fisheries draft resolutions. The consultations were both lengthy and challenging this year, and we wish to thank all participants for their constructive contributions. As reflected in the draft omnibus resolution, one of the conclusions of the informal consultations was that their efficiency would have to be further improved in the future by limiting the period of consultations on both draft resolutions to a maximum of four weeks in total and by ensuring that the consultations are scheduled in such a way as to avoid overlap with the period in which the Sixth Committee is meeting.

The Convention on the Law of the Sea, which is without doubt one of the greatest achievements in the history of the United Nations, provides a legal framework for all of our deliberations on the oceans and the law of the sea. We welcome the recent ratification of the Convention by Latvia, Burkina Faso and Estonia, bringing the number of States parties to 149, and urge those States that have still have not ratified the Convention to do so, with a view to achieving the ultimate goal of universal participation.

It is imperative that the Convention be fully implemented and that its integrity be preserved. Issues that were settled at the Third United Nations Conference on the Law of the Sea should not be reopened. In this respect, it needs to be borne in mind that the conclusions of the Conference were regarded as a package, with individual States prevailing in some areas but having to compromise in others.

We note with satisfaction that the three institutions established under the Convention on the Law of the Sea are functioning well. The International Seabed Authority is actively preparing for the future exploitation of mineral resources in the international seabed area. The International Tribunal for the Law of the Sea has already adjudicated a number of disputes in this field. It is clear, however, that the jurisdictional powers of the Tribunal have not yet been fully utilized and we welcome the Tribunal's initiative to promote knowledge of its various procedures. One example of that initiative is the organization of a round-table discussion to take place here at the United Nations tomorrow afternoon, on the topic "Advisory proceedings before the International Tribunal for the Law of the Sea".

We are pleased to note the progress in the work of the Commission on the Limits of the Continental Shelf. The Commission is currently considering three new submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and a number of coastal States, including Iceland, have advised it of their intention to make submissions in the near future.

We welcome the steps taken by the Secretariat to improve the facilities for the use of the Commission and urge the Secretary-General to take all necessary actions to ensure that the Commission can fulfil the functions entrusted to it under the Convention in the light of its rapidly increasing workload. We

furthermore encourage States to make additional contributions to the two voluntary continental shelf trust funds established by resolution 55/7.

The United Nations Fish Stocks Agreement is of paramount importance, as it strengthens considerably the framework for the conservation and management of straddling fish stocks and highly migratory fish stocks by regional fisheries management organizations. The provisions of the Agreement strengthen in many ways the relevant provisions of the Convention on the Law of the Sea, and some of the Agreement's provisions represent the further development of international law in this area. We welcome the encouragement, in the draft fisheries resolution, to States to recognize, as appropriate, that the general principles of the Agreement should apply also to discrete fish stocks in the high seas.

We look forward to taking part in the fifth round of informal consultations of States parties to the Agreement in March and in the Review Conference in May, the role of which is to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks. In the view of Iceland, the effectiveness of the Agreement depends primarily on its broad ratification and implementation. We welcome the ratification of the Agreement this year by Belize, Kiribati, Guinea and Liberia, bringing the number of States parties to 56, and urge those States, in particular fishing States, that still have not ratified the Agreement to do so as soon as possible.

With respect to the implementation of the Agreement, we encourage States to make additional contributions to the Assistance Fund under Part VII of the Agreement. In fact, we encourage capacity-building in developing countries in order to enable them to reap the benefit of fisheries within and beyond areas under their national jurisdiction.

The world community does not lack the tools to ensure the conservation and sustainable utilization of living marine resources. In addition to the Convention on the Law of the Sea and the Fish Stocks Agreement, Chapter 17 of Agenda 21, the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations and the Convention on Biological Diversity all exemplify such tools, providing States with the means to develop their fisheries management systems in a sustainable manner. While global instruments are often called for, we should bear in mind that the responsible management of living marine resources is best carried out at the local and regional levels, in partnership with those who are closest to and depend on the resources for their livelihood.

It is the firm view of the Government of Iceland that the General Assembly, in its deliberations on the oceans and the law of the sea, should focus on specific issues that have global implications, and not on issues that fall within the purview of the sovereign rights of States or that are under the responsibility of regional fisheries management organizations. The Assembly should address issues that are global in nature and that can be solved only through global cooperation. We should thus address, for example, marine pollution, which respects no boundaries and must therefore be met with global action.

The conservation and sustainable utilization of living marine resources is, on the other hand, a local and regional matter. We cannot, therefore, accept the opening of the door to the global micromanagement of fisheries, which are subject to the sovereign rights of States or under the responsibility of regional fisheries management organizations.

In that context, we were satisfied with the outcome of the thorough consultations on the fisheries resolution last year with respect to the impact of fishing on vulnerable marine ecosystems. The relevant paragraphs of resolution 59/25, which are reaffirmed in the draft resolution on fisheries this year, recognize that it is for States and regional fisheries management organizations, as appropriate, to regulate fisheries and their impact on vulnerable marine ecosystems and to take decisions on any interim and long-term management measures.

In the case of regional fisheries management organizations without such competence, their members are called upon to expand their competence, where appropriate, and in the case of high-seas areas not covered by such organizations, relevant States are called upon to establish them, where necessary and appropriate.

Iceland, like many other coastal States, has for many years been applying area restrictions and closures as one of its fisheries management tools. The Icelandic authorities continue to work on protecting vulnerable marine ecosystems within their national

jurisdiction. We are now in the process of closing five areas, covering a total of 80 square kilometres, to fishing with gear which adversely affects the seabed, with the aim of protecting vulnerable cold-water corals. We are working on the basis of scientific information, and we address the issue of protection on a case-by-case basis. That approach ensures that we give proper protection to the areas that need to be protected, while not disrupting responsible fishing practices in other areas.

As the protection of vulnerable marine ecosystems is often presented as an issue on which the fisheries sector and environmental protection clash, it should be pointed out that the approach followed in Iceland makes such a clash unnecessary. Rather than imposing blanket closures of vast areas, we work with the fisheries sector to determine which areas should be protected. In fact, consultations with the fisheries sector have resulted in an increase in the size of the areas that are now being closed, compared to the suggestions made in original proposals from our scientists.

Iceland is certainly not the only State that is protecting vulnerable marine ecosystems within its national jurisdiction; this is being done by many States all over the world. But this work is not being carried out only at the national level; regional fisheries management organizations are also addressing this important issue.

Last year, Iceland took part in establishing an interim measure for the protection of vulnerable deep-water habitats in the high seas of the North Atlantic ocean. The North East Atlantic Fisheries Commission (NEAFC) agreed on an interim prohibition of fishing with gear which adversely affects the seabed on a number of seamounts and in a section of the Reykjanes ridge for a three-year period. During this interim period, NEAFC will assess its work on this issue, seek further scientific advice and assess possible enforcement issues that may arise, with the aim of having appropriate conservation and management measures in place by 2008. NEAFC has shown its commitment to taking the necessary action to protect vulnerable habitats on case-by-case and scientific bases.

At NEAFC's recent annual meeting, a proposal by Iceland to develop criteria and procedures within the Commission for the protection of vulnerable areas, including area closures for certain types of fisheries, was approved. The annual meeting furthermore recommended that a performance review of NEAFC be established. The purpose of such a review is to provide for a systematic check of the performance of the Commission and its consistency with the NEAFC Convention, the United Nations Fish Stocks Agreement and other relevant international instruments. Assessment criteria and procedures for the performance review, including terms of reference for the review, will be developed, if appropriate, in consultation with the Food and Agriculture Organization of the United Nations (FAO) and other regional fisheries management organizations. This regional approach is in accordance with the draft fisheries resolution, which encourages States, through their participation in regional fisheries management organizations, to initiate processes for their performance review.

We deem very important the meeting in February of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. In our view, a major role of the meeting is to provide the General Assembly with an overview of the various issues falling under its broad scope, described in omnibus resolution 59/24. This is particularly relevant in the light of the fact that many intergovernmental organizations and bodies are involved in work on these issues, resulting in some overlap. We look forward to a substantive, well-informed and non-polemic discussion in February.

At its fifty-seventh session, the General Assembly decided to continue for three years the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We would like to thank the co-Chairmen of this period, Mr. Philip Burgess of Australia, Mr. Felipe Paolillo of Uruguay and Mr. Cristián Maquieira of Chile, for their valuable contribution to the work of the Consultative Process. We welcome the continuation of the Process for the next three years on the same informal basis but note the need to strengthen and improve its efficiency, as recognized in the draft omnibus resolution. In our view, the meetings of the Consultative Process need to be restructured in order to have more focused discussions and to give sufficient time for consultations on the elements to be suggested to the Assembly. The preparatory meeting for the seventh meeting of the

Consultative Process provides a good opportunity in that respect.

During recent discussions on oceans issues, much attention has been devoted to integrative approaches, including an ecosystem approach to the management of the marine environment. Iceland fully subscribes to such an approach, which forms the basis of our own marine strategy, issued last year. Let me also take this opportunity to note in this context the European Marine Strategy, adopted by the European Commission last month, which represents a significant contribution to our joint efforts to ensure the sustainable use of the world's oceans. The General Assembly recommends in its draft omnibus resolution that the Consultative Process should, at its next meeting, focus its discussions on the topic "Ecosystem approaches and oceans". We look forward to a constructive and informative discussion in June on the application of ecosystem approaches.

Iceland has actively encouraged an open discussion on marine pollution, an issue of international concern. It has long been recognized that one of the most serious and extensive threats to the health of the marine ecosystem is pollution from land-based sources.

As the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities has fallen short of expectations, national or regional plans should play a leading role in redressing that issue. Only a few countries have as yet adopted such plans, but a number of countries are in the final stages of adopting national action plans. However, more efforts are needed, and Iceland strongly urges States that have not done so to develop their own plans of action, be it at the national or regional level, based on sound scientific advice.

The Second Intergovernmental Review of the Global Programme of Action will be held in Beijing next year. This will be a valuable opportunity to review the progress made, address future challenges and set priorities for the next five years.

Efforts to strengthen international action to protect the oceans from land-based pollution and other man-made threats have been hampered by the lack of information readily accessible to policy-makers on the state of the marine environment. The lack of a comprehensive overview is arguably one of the main reasons why measures to protect the marine environment have not been focusing on real priority issues. The decision in omnibus resolution 57/141 to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, which is based on article 200 of the Law of the Sea Convention, acknowledges that international action is needed to protect the marine environment from land-based pollution and other human activity that causes pollution or the physical degradation of the ocean.

Two years ago, in this very forum, Iceland drew attention to the relevance of the Arctic marine environment. The warming of the Arctic and the growing demand for the natural resources of the region are leading to a rapid increase in navigation in areas previously considered inaccessible to commercial shipping. That trend calls for, among other things, a unified international approach to rights of navigation as well as cooperation on environmental issues, adaptation and emergency response.

The meeting rose at 1.10 p.m.